



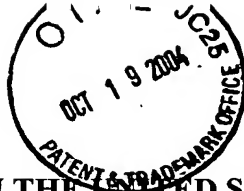
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/615,444
		Filing Date	July 9, 2003
		First Named Inventor	Shinji MORI et al.
		Group Art Unit	3654
		Confirmation No.	7953
Total Number of Pages in This Submission		Attorney Docket Number	740165-356

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Response To Restriction Requirement <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request for <u>1</u> month <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to File Missing Parts of Nonprovisional Application Formalities Letter  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Submission Of Corrected Substitute Drawings <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above- identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Thomas W. Cole, Reg. No. 28,290 Nixon Peabody LLP 401 9 <sup>th</sup> Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	<i>Thomas W Cole</i>
Date	October 19, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shinji MORI et al.

Serial No. 10/615,444

Filed: July 9, 2003

For: WEBBING WINDING DEVICE  
AND CLUTCH MECHANISM

Confirmation No.: 7953

Group Art Unit: 3654

Examiner: William A. Rivera

Date: October 19, 2004

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement mailed September 23, 2004, applicants provisionally elect claims 1-7, drawn to a webbing winding device.

However, applicants respectfully traverse this restriction requirement between claims 1-7 (Group I), drawn to a webbing retractor, and claims 8-13 (Group II) drawn to a clutch apparatus. The Office Action states that the separate matter of the two groups of claims has acquired separate status in the art requiring divergent fields of search as shown by the indicated classifications (Class 242, Subclass 379.1 vs. Class 192, Subclass 223.1).

However, a thorough field of search for the subject matter for Group I should include the subject matter of Group II, as webbing winding devices frequently make use of clutches. If a single field of search reasonably and thoroughly covers all the claims of an application, the mere fact that different claims of the same invention would fall into different classifications in the U.S. Patent and Trademark Office should not be controlling, as is been held in *In Re Young et al.*, 81 USPQ 139, 142, note 3 (CCPA 1949). See also *Ex Parte Pratt*, 46 USPQ

560 (PTO Board 1940), wherein the Board held:

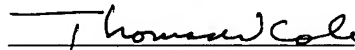
“We do not understand the classification of patents is for the purpose of establishing lines of division between claims. It is rather for the purpose of quickly locating pertinent art.”

Even more to the point, the Examiner should note MPEP §803, which states:

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

In short, in view of the mutual pertinence between the subject matter of class 242, Subclass 379.1 and Class 192, Subclass 223.1, applicants respectfully traverse the restriction of claims 1-7 from claims 8-13, and request the Examiner to reconsider and withdraw such restriction.

Respectfully submitted,



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